

that body, of Senate Bill No. 23, "An Act to regulate the appointment and define the duties of Notaries Public," with amendments.

On motion of Senator McLeary, the rules were suspended, and House Bill No. 23, "An Act to regulate the appointment, etc., of Notaries Public," was taken up and referred to Judiciary Committee No. 2, with instructions to report back as soon as possible.

Senator Storey offered the following concurrent resolution:

*Resolved, by the Senate, the House concurring,* That the present session of the Fifteenth Legislature be adjourned without day, at 12 M. on the third Monday, the 17th day of July, A. D., 1876.

Made the special order for July 1, 1876.

On motion of Senator Storey, the Senate adjourned until to-morrow at 9 o'clock A. M.

#### FIFTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, June 15, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

The journal of yesterday adopted.

On motion of Senator Storey, leave of absence was granted to Lieutenant-Governor Hubbard for ten days.

On motion of Senator Ford, Senator Edwards was granted a leave of absence for ten days.

On motion of Senator Motley, Senator Burton was granted a leave of absence for ten days.

Senator J. R. Henry, Chairman of the Committee on Public Claims and Accounts, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 212, "An Act for the relief of the Moran Brothers," have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

J. R. HENRY, *Chairman.*

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Public Claims and Accounts, to whom was referred Senate Bill No. 210, "An Act for the relief of A. E. Baker," have had the same under consideration, and recommend that it do not pass.

J. R. HENRY, *Chairman.*

Senator McCulloch, Chairman of the Committee on Statistics, Public Health, etc., submitted the following report, with the accompanying report of sub-committee of said committee:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Statistics, Public Health and History of Texas, to whom was referred Senate Bill No. 277, "An Act to carry into effect Section 39 of Article 16 of the Constitution," have had the same under consideration, and report the same back with the accompanying report of the sub-committee appointed to confer with experts or critics for

the purpose of making a thorough inspection of the paintings named in the bill.

The sub-committee's report was adopted. I am instructed to recommend that the bill do pass.

McCULLOCH, *Chairman*.

*Hon. T. J. McCulloch, Chairman of Committee on Statistics, etc.:*

Your sub-committee, to which was assigned the duty of inspecting the paintings offered for sale by Mr. McArdle, have the honor to report that they have had several gentlemen of acknowledged ability as art critics to examine said paintings, and they were of opinion that they possess great merit, and should command a large price.

To be more explicit, the painting of "General Lee at the Battle of the Wilderness," is pronounced to be true to life, to truth and to history. The great captain is represented in a moment of extreme peril, with his noble countenance lighted by the excitement of battle, surrounded by his admiring and faithful soldiers, who are in the act of making a charge upon the Federal lines, and who are made painfully conscious of the presence of their beloved chieftain, and are crying, "General Lee to the rear!" In their intense desire to shield him from harm, they forget aught else, seize his bridle and turn him back. The groupings are historically correct. The faces of many of the actors are delineated with fidelity, and the incidents are not only appropriate, but are truthfully sketched. Taken as a whole, the painting is a magnificent work of art; it is a reproduction on canvass of the terrific battle-scene—the final effort which gave victory to the Confederates at the Wilderness; and it portrays, as it were, in letters of living light, the love of the soldiers for General Lee.

Nor are these the only merits of this great painting. The faces show conclusively that General Lee was at that time surrounded by Texas troops, and not by others, as has been incorrectly stated by high authority. In proof, we beg leave to make an extract from a letter to Mr. McArdle from Gen. W. N. Pendleton, who had chief command of the artillery:

"It was at this crisis that the Texas Brigade, heading Longstreet's column, began to emerge from the rear forest, along the plank road, on the right portion of the old field. Gen. Lee, with grand earnestness, took off his hat, and waving it, hurrahed for the Texas Brigade, and a general shout went up as they rapidly formed in line. The General then giving the word, "Charge!" and spurring his spirited "Traveler," pressed on to lead the charge. This was observed with great anxiety by all. The fire was furious—the front was scarcely practicable for men on foot; a horseman attempting it seemed going to certain death. Nothing but the apparent extremity of the crisis would have justified Gen. Lee in so inspiring the troops. But they needed not this. Those brave Texans thought less of their own exposure than of their loved commander's. A cry rose, "General Lee to the rear!" He, not heeding, was somewhat roughly stopped by a soldier stepping out and seizing "Traveler" by the bridle, and saying, "General, go back; if you do not, we will not go forward."

The evidence of Col. Venable, General Lee's Aid, is to the same effect.

In this view of the case, the painting should by all means be the property of the State of Texas.

The painting of Gen. Stephen F. Austin, at San Felipe, surrounded by Capt. Chrisman, Baron de Bastrop, Col. Sam Williams, Ran Foster, and others, is true to life and to history, and is a masterpiece.

The two are offered at less than one-third of their value, and your sub-committee earnestly recommend that they be purchased by the State and preserved as invaluable contributions to history and models of art.

FORD,  
CARROLL, } Sub-Committee.  
MARTIN,

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 232, entitled, "An Act to pay Assessors for the assessment of taxes in certain cases," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend it do not pass, as the object of the bill should be reached in a special law.

McLEARY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 141, entitled, "An Act to provide for erecting a monument by the State of Texas, on the battle-field of San Jacinto," have had the same under consideration, and instruct me to report the bill back to the Senate, with the recommendation that it do not pass, and that Senate Bill No. 202 be substituted for it.

McLEARY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 262, entitled, "An Act to reserve from location, in the event of forfeiture, the public domain now reserved for the benefit of railroads or railroad companies," have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend its passage.

McLEARY, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 202, entitled, "An Act to provide for erecting two monuments, one on the site of the Alamo, and one on the battle-field of San Jacinto," have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do pass; *provided*, that the State finances will permit; and also recommend that the bill and report be referred to the Committee on Finance, and further, that this bill be a substitute for Senate Bill No. 141.

McLEARY, Chairman.

Report of the committee adopted.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of certain citizens of Harris county," have had the same under consideration, and would respectfully report that the wants of the petitioners can best be reached by a special law, for which notice has not been given.

McLEARY, Chairman.



*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of "Cassimira Herrera DeMurnin," have had the same under consideration, and respectfully report that the relief asked for cannot be granted, it being against the organic law, as will be seen in Article 3, Section 51, and Article 16, Section 55, of the Constitution. *McLEARY, Chairman.*

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred House Bill No. 17, entitled, "An Act to provide for the pensioning of the surviving soldiers and volunteers of the army of Texas in the war between Texas and Mexico, from the commencement of the revolution in 1835, to the first day of January, 1837, and the surviving signers of the Declaration of Texas Independence, and such of the surviving widows of such soldiers, volunteers and signers of the Declaration of Texas Independence as have remained unmarried, and to provide for the payment of the same," have had the same under consideration, and recommend that it do not pass, and that the Senate pension bill be substituted in its stead.

*McLEARY, Chairman.*

Senator McCormick introduced a bill entitled: "An Act to enable the city of Galveston to construct a sea wall and break-water, to levy a tax and issue bonds therefor, and to grant State aid to the same by the donation of lands."

Read by caption and referred to the Committee on Internal Improvements.

Senator Ledbetter introduced a bill entitled: "An Act to fix the times and place of holding sessions of the Appellate Court of the State of Texas."

Read by caption and referred to Judiciary Committee No. 1.

Senator Brady introduced a bill entitled: "An Act for the protection of fruit, fruit and ornamental trees, shrubbery and vegetable products, and to punish persons who violate its provisions."

Read by caption and referred to the Committee on Agricultural Affairs.

The President *pro tem.*, after reading its caption, signed the following bill:

House Bill No. 86—"An Act making appropriation of the Fourteenth Legislature for frontier defense available for payment of deficiency of previous year for same purpose."

On motion of Senator Terrell, the rules were suspended, and House Bill No. 181, "An Act entitled, 'An Act to provide for the expenses and compensation of the commission appointed to investigate the management of the penitentiary, and making an appropriation to pay the same,'" was taken up, read third time and passed by the following vote

YEAS—Senators Blassingame, Brady, Brown, Carroll, Douglass, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCulloch, Moore, Motley, Piner, Storey, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Ball, Burton, Martin, McCormick, Ripetoë, Smith, Stephens, Terrell—8.

Senator Brown, by leave, offered a memorial from citizens of Milam county, "asking that Sections 49, 50, 51 and 52 of Article 16 of the Constitution, which are the articles on the homestead and exemptions, be amended by repealing the same, giving various reasons therefor."

Referred to the Committee on Constitutional Amendments.

Senate Bill No. 38—"An Act to prevent a multiplicity of suits," being the unfinished business, was taken up, read second time and ordered engrossed.

On motion of Senator Brady, Senate Bill No. 201, "An Act to authorize the corporation of the city of Houston to improve and protect the navigation of Buffalo Bayou," was taken up and read second time.

Report of committee, with amendments, adopted, and bill ordered engrossed.

Senate Bill No. 3, "An Act to organize a Commissioners' Court in each organized county," and Senate Bill No. 70, "An Act to organize and prescribe the duties of the County Commissioners' Court," were taken up and action suspended thereon.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 94, "An Act to provide for the supplying of lost records in the several counties in this State," was taken up and read second time.

Report of committee, with amendments, adopted, and bill ordered engrossed.

On motion of Senator Brady, the rules were suspended, to place the bill on its third reading and final passage, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senator McLeary—1.

NOT VOTING—Senators Ford, Henry F. M., Martin, Smith—4.

The bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, McCormick, McCulloch, Moore, Motley, Piner, Smith, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Ford, Henry F. M., Martin, McLeary, Ripetoe—5.

On motion of Senator Douglass, the rules were suspended, and Senate Bill No. 79, "An Act to provide for supplying the State Capitol building and Capitol grounds with water," together with substitute of the committee, the title to which is the same as the original, was taken up, read second time, substitute adopted, and bill ordered engrossed.

On motion of Senator Douglass, the rules were suspended to place the bill on its third reading and final passage, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Brown, Carroll, Guy, Henry F. M., Hobby, Martin, Piner—7.

The bill was then read the third time.

Senator Storey moved the previous question, which was seconded and the main question ordered.

The bill then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Douglass, Francis, Ford, Grace, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senator Stephens—1.

NOT VOTING—Guy, Henry F. M., Martin, Piner—4.

A message was received from the House announcing the passage, by that body, of House Bill No. 235: "An Act to provide for the payment of the bonds of the State of Texas that will become due, and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and to supply deficiencies in the revenue by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same."

The President *pro tem.*, after publicly reading its caption, signed House Bill No. 181: "An act to provide for the expenses and compensation of the commission appointed by His Excellency, Governor Coke, April 10, 1875, to investigate the management of the State Penitentiary, and to make an appropriation therefor."

Senate Bill No 12, "An Act for the relief and support of the poor," was taken up and read the second time.

On motion of Senator McLeary, the proviso to Section 2 of the bill, an amendment recommended in the report of the committee, was stricken out, and the report of the committee, embracing all the amendments recommended in their report, was adopted, except the proviso aforesaid.

On motion of Senator Smith, the bill was considered and adopted by sections.

On motion of Senator McLeary, each section, when read and not objected to, was considered adopted.

Sections 1, 2, 3, 4, 5, 6 and 7 were read and adopted.

Section 8 was read and adopted.

Senator Ball offered the following amendment to said section.

In Section 8, line 3, strike out, "district," and insert, "county."

Adopted.

Senator Piner moved to reconsider the vote adopting the amendments of the committee.

Carried.

Senator Piner moved to reject the amendment of the committee to Section 8: To strike out the word, "Commissioner," and insert the word, "Judge."

Adopted by the following vote:

YEAS—Senators Blassingame, Brown, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCulloch, Piner, Ripetoe, Smith, Stephens, Thompson—14.

NAYS—Senators Ball, Carroll, Ford, Ledbetter, McLeary, McCormick, Moore, Motley, Storey, Wortham—10.

NOT VOTING—Senators Brady, Burton, Douglass, Francis, Terrell—5.

On motion of Senator Smith, the report of the committee, except the ones to Sections 2 and 8, were adopted.



Senator Piner moved to reconsider the vote by which Senator Ball's amendment to Section 8 was adopted.

Carried.

Senator Ball withdrew his amendment.

Senator Grace offered the following amendment to Section 9 :

Amend line 12, in Section 9, by striking out the word, "four," and inserting the word, "three."

Lost.

On motion of Senator Piner, the adoption of the amendment of the committee to Section 9 was reconsidered.

Senator Piner then moved to reject the amendment of the committee to Section 9.

Carried.

Section 9 was adopted.

Sections 10, 11 and 12 were read and adopted.

Senator Storey offered the following amendment as a new section, to come in before the last section of the bill, and to be numbered Section 12 :

"SECTION 12. To further enable the several counties of this State to raise means sufficient to buy and improve such farm, the County Commissioners' Court shall have power to hire out all convicts confined in the county jail, and to use the proceeds of such hiring to buy or improve said farm; or, if deemed proper by said Commissioners' Courts, they may work said convicts on said farm during any part, or the whole of their confinement."

Lost by the following vote :

YEAS—Senators Douglass, Ford, Grace, Hobby, Motley, Smith, Stephens, Storey, Thompson—9.

NAYS—Senators Ball, Brady, Brown, Burton, Carroll, Francis, Henry F. M., Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Terrell, Wortham—17.

NOT VOTING—Senators Blassingame, Guy, Henry J. R.—3,

Bill ordered engrossed.

A message was received from the House announcing that that body has rescinded the vote passing House Bill No. 235, "An Act to provide for the payment of the bonds of the State of Texas that will become due, and that are retireable in the years 1876 and 1877, and to make adequate provisions for the floating indebtedness of the State, and to supply deficiencies in the revenue by the sale of the bonds of the State, and to make an appropriation to carry into effect the provisions of the same."

Senator Grace offered the following resolution :

WHEREAS, The time in which this Legislature must do the immense work set apart to it by the Constitution is limited—but one more month in which said work must be done; and,

WHEREAS, Much time is unnecessarily consumed in speech-making; therefore, be it

*Resolved*, That hereafter no member of Senate shall be allowed to speak more than ten minutes upon any one subject unless by consent of a two-thirds' vote of this body.

Lies over one day under the rule.

Senator Piner offered the following resolution:

*Resolved*, That the Committee on State Affairs be requested to ascertain and forthwith report to the Senate whether any counties of this

State are in such a condition, from combinations of lawless men, or from the inefficiency of their county officers, or from any other causes, that the laws cannot be enforced, and to report the names of such counties, if any such there be.

Adopted.

Senate Bill No. 39, "An Act to repeal 'An Act defining a further cause of continuance in civil causes,'" approved April 29, 1873, was taken up and read a second time, together with the adverse report of the Committee on Judiciary No. 1.

Report of the Committee adopted and bill lost.

Senate Bill No. 45, "An Act concerning certain claims against the Republic of Texas," was taken up and read, with adverse report of Committee on Claims and Accounts.

Report of the committee adopted, and bill lost.

Senate Bill No. 49, "An Act to repeal an act entitled, 'An Act to establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up and read second time.

Senator Ball in the chair.

Senator Piner offered the following amendments:

In caption of the bill, strike out the word, "amend," and insert in lieu thereof, the word, "repeal."

Adopted.

Amend by adding another section, as follows:

"SEC. — WHEREAS, the jails of the country are burdened with parties charged with petty thefts, and the several counties in the State are daily increasing their indebtedness in consequence of the necessity of the support of such criminals; therefore, there exists a public emergency and necessity for immediate relief, that this act go into effect and be in force from and after its passage.

Adopted.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

NAYS—Senators Francis, McLeary—2.

NOT VOTING—Senator Brady—1.

On motion of Senator Piner, the rule was further suspended, to place the bill on its third reading, and final passage by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Carroll, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—22.

NAYS—Senators Brown, Francis, McLeary—3.

NOT VOTING—Senators Brady, Ford, Smith, Thompson—4.

The bill then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Carroll, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Wortham—23.

NAYS—Senators Francis, McLeary—2.

NOT VOTING—Senators Brady, Ford, Smith, Thompson—4.

On motion of Senator Blassingame, the Senate adjourned to 9 o'clock to-morrow morning.